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THE O'CONNORS.

The reader will see in this number of the *Register* a case of the government of England against ROGER O'CONNOR. It will be recollected that this is one of two brothers who have been systematically persecuted by the British ministry. The charge against him confutes itself. He is a man of the first property and consequence in Ireland; and has been singled out as a victim by the men in power. In the United States we owe it to merit, to rescue the characters of such men as the O'Connors from the blights which English tyranny puts on them. Descended from the original sovereigns of the Irish, the name has been treated with indignity ever since the days of Stongbow.

BOUNDARY OF THE UNITED STATES.

The commissioners under the fourth and fifth articles of the treaty of Ghent, for the purpose of settling the boundary line, between the north eastern frontier of the United States and the British dominions, and to determine whether the islands in the Bay of Passamaquoddy and the Bay of Fundy are comprehended in the boundaries established by the treaty of 1783, assembled in this place on the 10th of May last.

The commissioners under the fourth article were employed for some days after their meeting in an examination of facts, documents, maps and plans, in order to be possessed of a state of the controversy on both sides. After which J. T. Austin, esq. agent of the American commission, opened a written argument in behalf of the United States, which employed him a week.

W. Chipman, esq. the agent on behalf of the British government, then entered into his argument, in favor of the claims of that nation, which occupied him one full day. These respective arguments having been interchanged, the commissioners adjourned, to meet on the 25th of September next, at which time the parties will be heard in reply to each other.

The commissioners under the fifth article of the late treaty appointed two parties of explorers, consisting of thirty persons of each nation, and a suitable number of surveyors, to proceed from the monument upon St. Croix, and pursue the boundary line to the highlands, which divide the waters which empty into the St. Lawrence. The commissioners adjourned, to meet again on the 10th of May next, to receive the report of the exploring parties, and of the surveyors.

By the treaty of Ghent, it is provided, that in case of a difference of opinion upon the subjects

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under the consideration of the commissioners, his Britannic majesty and the government of the United States agree to refer the difficulty to some friendly sovereign or state, then to be named for that purpose—and in consequence of which expectation all the arguments are delivered in writing.

According to the construction of the British agent, the boundary line would cut off part of the river St. John's, and about two millions of acres of land from the District of Maine.

[Boston paper of June 14.]

The absence of the editor from the city on business during the present week, must plead his apology with his readers, for the absence of original matter in this number of the *National Register*: in our next, we shall endeavor to compensate for this deficiency. The documents we publish this week, though they may not be so interesting to some readers as lighter matter, yet, to the politician and statesman, they will possess much more value.

CONSULATE GENERAL OF RUSSIA.

Philadelphia, 15th June, 1814.—The undersigned, consul general of Russia, in the United States of America, has received orders to inform the persons interested in the commerce with Russia, of the following additional regulations, concerning the regularity of the bills of lading.

1. A bill of lading, on the back of which there is a minute specification of the measure, weight, or number of articles contained in each case, bale, &c. signed by the shipper of the goods, shall be considered valid.

2. The additions made to a bill of lading, will likewise be considered as valid, in case there should be a want of room in the original bill, signed, in the like manner, by the shipper of the goods. All bills of lading, in case of the want of room, which are not signed by the shipper of the goods, will be considered as not valid, and subject to the payment of double duties, as fixed by the tariff.

3. A bill of lading will likewise be considered as valid, to which is annexed a special list of the measure, weight, or number of the articles contained in each case, bale, &c. specified in the bill of lading, provided said list is signed by the shipper of the goods, and dated the same day as the bill of lading, a list, which its nature, may even pass for an invoice; but in case this list should not be signed by the shipper of the goods, it shall not be considered as valid, nor the bill of lading which accompanies it.

The hon. De Witt Clinton has been elected Governor of the state of New-York, by a majority of 41,831 votes: honorable Jno. Taylor, Lieutenant-Governor, by 41,269.

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JUDICIAL DECISIONS.

Decision of the hon. Langdon Cheves, in the case of Andrew Rhodes, delivered at Chambers, on a writ of habeas corpus ad subjiciendum.

EX PARTE—ANDREW RHODES.

The prisoner is brought before me, at Chambers, on a writ of habeas corpus ad subjiciendum, and the officer, in whose custody he is, exhibits, as the authority by which he detains him, a warrant of commitment under the hand and seal of John Hinckley Mitchell, a justice of the peace of this state, on a charge that the prisoner hath forged or counterfeited a number of protections for American seamen. This, it is believed, is no offence against this state; but is an offence against the laws of the United States.

I am called upon, on the part of the prisoner, to discharge him from custody, under this warrant, because it contains no accusation under the laws of the state, and it is contended, the magistrate who committed him, being an officer of the state, had no authority to commit him for an offence against the United States, because the 33d section of the judiciary act, (1 vol. laws U. St. p. 72) which in its terms authorizes such commitments, is unconstitutional.

It is contended—

- 1st. That by the 1st section of the 3d article of the constitution of the United States, "The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as congress shall, from time to time, ordain and establish," and that this judicial power in criminal cases is, under the constitution, exclusive of the authority of the states:
- 2d. That the act of granting all warrants of commitment is a judicial act, and, therefore, in cases under the laws of the United States, to be exclusively performed by an officer of the United States:
- 3d. That it is my duty as a judge of this state, under the habeas corpus act, to take cognizance of this case on the grounds stated.

1st. All these questions are important and difficult; but the first is of peculiar importance. It has been a controverted question from a period anterior to the adoption of the constitution of the United States, and still remains unsettled, and I am happy to be relieved by the opinions I have formed on the other questions, which the case presents, from the necessity of deciding this.

2d. Is the act of granting a warrant of commitment a judicial act? I think it is not. I am aware of a late decision, (the case of Joseph Almeida, in Maryland) in which this question has been determined in the affirmative. In this opinion I cannot concur. The only authority which is relied upon to support this opinion, is a single expression contained in a decision of the supreme court of the United States, in the case of the United States vs. Judge Laurence, (3, Dallas's Rep. 53.) This authority, it is evident, has been misconceived. That was a case in which, under our consular convention with France, judge Laurence, who was then the district judge of the United States for the district of New York, had been required, by the vice-consul of the French republic, to issue a warrant for apprehending capt. Barre, commander of the frigate *Le Perdrix*, belonging to the French republic, as a deserter. The judge was of opinion, that before the warrant could issue, the consul should prove by the register of the ship, or role d'equipage, that capt. Barre was

one of the crew of the *Le Perdrix*. The consul offered other proof; but the judge thought this indispensable, whereupon an application was made to the supreme court for a mandamus, to compel the judge to issue a warrant. The court in deciding the case refused the mandamus, and in giving their reasons, say, "It is evident the district judge was acting in a judicial capacity, when he determined that the evidence was not sufficient to authorize his issuing a warrant." It is very manifest that it is to his judgment on the evidence the court allude, when they say he was acting in a judicial capacity, and for that reason they refuse to issue a mandamus, and founding their judgment on this distinction, they virtually declare, that the granting a warrant of commitment is not a judicial act. I am aware it may be said, as all commitments must be founded on some evidence, in all cases of commitment a judicial act must be performed. There is certainly an opinion to be formed on the nature and efficiency of the evidence adduced; but if such an exercise of the mind be a judicial act, then almost every function of all the inferior officers of justice, will be judicial, and even constables, who have, in certain cases, the power of commitment, will be judicial officers. This is preposterous. There must be some more correct view of the subject, and to obtain it let us resort to authorities. Our object is to ascertain whether the function of a justice of the peace, in granting a warrant of commitment, be judicial or ministerial? It is not denied, that a justice of the peace does possess certain judicial powers, but it is denied that the granting a commitment is a judicial act. We must carefully distinguish between the original duties of a justice of the peace and those which have been subsequently imposed upon him. The first constituted him merely a conservator of the peace—the latter have made him a judicial officer—the first authorized him to apprehend and commit offenders—the latter, in many cases, have conferred upon him the power to try and convict.

Sir William Blackstone, (1. com. 351) after speaking of the occasion of the first appointment of these officers, says, "It was ordained in parliament that for the better maintaining and keeping of the peace, in every country, good men and lawful, which were no maintainers of evil, or barretors in the country, should be assigned to keep the peace; and in this manner, and upon this occasion, was the election of the conservators of the peace taken from the people and given to the king; this assignment being construed to be by the king's commission: But still, they were only conservators, wardens or keepers of the peace till the statute 34, Ed. 3, c. 1, gave them the power of trying felonies, then they acquired the more honorable appellation of justices."

"The power, office and duty of a justice of the peace depend on his commission, and on the several statutes which have created objects of his jurisdiction. His commission first empowers him singly to conserve the peace; and thereby gives him all the power of the ancient conservators at the common law, in suppressing riots and affrays, in taking securities for the peace, and in apprehending and committing felons and other criminals." (1d. 353, 354.)

Who are these conservators of the peace who possess the same authority to commit as justices of the peace? Are they judicial officers? Among others, sheriffs are conversators of the peace,

"Constables, tithingmen, and the like, are also conservators of the peace within their own jurisdictions; and may apprehend all breakers of the peace, and commit them till they find sureties for their keeping it." (Jacob's Law Dict. Tit. *Conservator of the peace*, Vol. 2, p. 26.) "Conservators of the peace did commit at common law, and it was incident to their office, as it is to the office of justices of the peace, who are not authorised by any express words in their commission, but do it *ratione officii*," (15 Vin. 8 Tit. "justices of the peace.")

"It seems that the power of such conservators of the peace, whether by tenure, election, or prescription, was no greater than that of constables at this day, unless it were enlarged by some special grant or prescription. (Ibid. 4.)

"Holt. ch. I. said he knew not whether, at first, justices of peace were more than high constables; but the statute that made them complete judges is that of 34 Ed. 3." (Ibid.)

Lord Hale, in his *analysis of the law*, after having said that there are two kind of subordinate civil magistrates; those that have a power of jurisdiction, and those that are without jurisdiction, says, "The persons that exercise this power or jurisdiction are called judges or judicial officers," (sec. 11, p. 26, 27,) and in sec. 12, "of inferior magistrates *sine jurisdictione*,"—(p. 29) he speaks thus: "The sheriff of the county is the greatest ministerial officer; and I call him magistrate because he is a conservator of the peace of the county, &c. &c. &c." "Constables and head constables. These, though they have not any jurisdiction to hold cognizance of any fact, yet are conservators of the peace."

Dr. Sullivan, in his commentary on magna charta, speaking of the warrant of commitment, says, "Thirdly, the warrant must not only contain a lawful cause, but have a legal conclusion, and him safely keep until delivered by law; not until the party committing doth further order; for that would be to make the magistrate, who is only ministerial, judicial, as to the point of the liberty of the subject." (2 vol. Lectures on the Constitution and Laws of England, p. 266.)

I presume I have now established beyond all doubt, that the act of the magistrate, in granting a warrant of commitment, is a ministerial and not a judicial act. It may be useful, however, to spend a moment longer on the nature of that judicial power which is spoken of in the constitution. There are functions to be performed by inferior magistrates, commissioners, and other like officers, which leave in them a discretion, which, in that particular, resembles judicial authority, but is not of the nature of that judicial power which forms one great branch of government. It is the latter, which is spoken of in the constitution. It is that which lord Hale defines to be "a power of jurisdiction," and of which he further says, "the persons who exercise this power or jurisdiction are called judges or judicial officers; the places or tribunals wherein their power, are called courts; and the right by which they exercise that power is called jurisdiction." (Analysis, sec. 11, p. 26, 27.) He then goes on to enumerate the superior and inferior courts of England, and gives us a clear and distinct idea of what may be embraced, and what is meant by the 3d art. of the constitution on this point. They both mean to speak of trial, judgment; emphatically of the administration of justice, and not the little functions

and functionaries, which are merely incipient and ancillary to this great essential power, which are inseparably incident to it, and can with no propriety be called implied powers.

If it has been proved that the act of the magistrate in committing an offender is a ministerial act, then the ground on which the counsel for the prisoner has put this argument, which is the same relied upon in the case of Almeida, though he has enforced it with ability and eloquence, entirely fails.

The only question that remains is, whether the legislature of the United States has a right, by a statute, forbidden by no provision of the constitution of the United States, to give a limited authority to conserve the peace to one or more of the citizens and subjects of the United States; who happen at the same time to be conservators of the peace of the state? if not forbidden by the constitution of the United States, what other power can forbid it? That constitution expressly forbids all it does not authorise. If not so forbidden, the statute is the supreme law of the land. All the minor arguments of expediency, such as blending jurisdictions, neglect of state duties, want of responsibility, and others of the same description, are of little weight in themselves, and are not for judicial, but legislative consideration. Throughout the whole system of the government, the legislative, judicial, and executive functions of the union, and the state are blended; the responsibility of the citizen is divided, and duties to the state are superseded by duties to the union. But what then? Is it for judges, therefore, to say, they deem them expedient, and because they deem them inexpedient, declare them void? I will not say that expediency shall be always rejected in a judicial judgment on the meaning of the constitution, but it will seldom be a very weighty consideration, and ought always to be used very cautiously. But I think it highly expedient, that congress should confer this authority on the ministerial officers of the states. It is as useful to the states as the union, that the crimes against the United States should be punished. Their interests can seldom, perhaps never, be wisely separated. The crimes punishable under the laws of the United States are great and important, but few in number. Without the aid of the ministerial officers of the states, to have the laws of the United States effectually executed, against a few offenders, (probably not one hundred in a year in all the states;) it would be necessary to appoint and scatter over their vast territory many thousands of justices of the peace, coroners, constables, &c. The attempt to execute the power, would be as impracticable as it would be ludicrous. But it is said the states are to watch, with jealousy, the acts of the general government, (a monstrous heresy in the politics of this country) and if it use the agency of the officers of the states, it will have a tendency to a consolidation of the state governments.

Exactly the reverse is the sound conclusion.—This necessary dependence, practically, of the general government on the states, in many particulars, is one of the points in which its weakness has been most obvious and most lamented.

The counsel for the prisoner, taking it to be granted or proved, that the act of the magistrate was a judicial act, contended that the constitution had established a mode in which all judicial officers were to be appointed, and that an act of

congress, giving authority to the magistrate of the state, was a violation of this provision of the constitution. It would not follow, however, if the function were judicial, that the appointment must be made by the president and senate, for the constitution authorises congress, by law, to vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or the heads of departments; but the function is not judicial; the officer, consequently not judicial; and, therefore, the argument, as urged, does not apply. But it may, perhaps, be insisted that the constitution does authorise congress, by law, to vest the appointment of inferior officers in the president alone, in the courts of law, or in the heads of departments, it does not authorise congress, though both houses and the president should unanimously concur itself to appoint immediately by law. This would really be construing the constitution like an old pleading, without allowing the benefit of the statutes of Jeofails. *Qui cadit a syllaba, cadit a tota causa.* A rational construction, it would seem, would authorise congress to do itself what it can, at its pleasure, authorise an inferior body or an individual to do; but that is not the question. It may be safely admitted, that congress cannot directly by law appoint an officer whom it can authorise an individual to appoint, and yet the difficulty will not occur in this case. This is not the case of an appointment. The magistrates of the state are not, by the act of congress, constituted officers of the United States. They are merely authorised to do a certain act. The case may be easily conceived in which a magistrate of a foreign state may, by act of Congress, be authorised to exercise an equivalent power. That it is not an appointment in the sense of the constitution will be proved by reference to the undisputed practice of some of the state governments.

The constitution of Pennsylvania provides that the governor shall appoint justices of the peace—(art. 5, sec. 10.) and that they shall be commissioned during good behavior. But by an act of the legislature of that state, passed 20th March, 1810, all the powers of justices of the peace are vested in all the aldermen of the city of Philadelphia—who, I believe are elected annually by the people of that city.

So, in New-York, justices of the peace are appointed by the governor and council, according to the express requisition of the constitution, and hold their offices during the pleasure of the governor and council. But by act of the legislature of the state—(2 vol. laws of New-York, 508) the aldermen of the cities of New-York, Albany, and Hudson, are vested with the same powers as justices of the peace.

By the constitution of South Carolina, justices of the peace shall be nominated by the senate and house of representatives, jointly, and commissioned by the governor (1 Brevard 468, 2 Brevard 175.) Yet the clerks of the courts, the wardens of the city of Charleston, and many other officers of the state, are vested, by act of the legislature, with the powers of justices of the peace. The like case probably occurs in almost every state in the Union, and the argument of unconstitutionality which we are now examining will equally apply to them all.

I am then satisfied that in relation to the case before me, the 33d section of the act of congress, commonly called the judicial act, is constitutional

and expedient, though I reject the argument of expediency, from the grounds on which I rest my decision. It is not a case in which I have a right to weigh it.

3d. I might here leave the case, but I deem it proper to consider the third ground. I think I have no jurisdiction over the case. I am aware of but three cases in which this question has been made. The case of Almeida, already mentioned: The case of Emanuel Roberts. (2 Hall's law journal 192) in Maryland; and the case of Jeremiah Ferguson in New York, (9 Johns. rep. 239.) In the first case jurisdiction was assumed, and the prisoner discharged. The second was a case of a minor enlisted into the service of the United States, and Nicholson, chief justice, determined against the jurisdiction. He does, indeed, say, in speaking of an extreme case, which was put by counsel, of great oppression and injustice, that he would interpose and discharge the prisoner in the case supposed, but he adds—"If in such a case I should exceed the technical limits of my authority, I should have the approbation of all good men, for resisting oppression under the color of law." This is certainly no argument in favor of jurisdiction, while the judgment in the case is on the want of it. In the last case, which was also the case of a minor who had been enlisted, the court refused to interfere on other grounds—but chief justice Kent declared explicitly, that the state courts have not jurisdiction where the arrest is under the authority of the United States. In this opinion I concur. If there be cases in which the state courts have jurisdiction of the principal matter, I am of opinion they may entertain an incidental or collateral question; they may, therefore, in such cases, release under a writ of habeas corpus, on the ground of illegal confinement, because the prosecution is groundless, or for other sufficient cause. This authority may, perhaps, be exercised by courts having a superintending power, though they may not have jurisdiction for the purpose of trial, for they have authority to restrain and annul the acts of inferior jurisdictions. But in a case like the present, where the state courts in no case, and under no circumstances, can take cognizance of the offence charged to punish or acquit, and where the functionary appealed to, is himself in all questions under the laws of the United States, subject to the control of their high tribunals, all pretence of jurisdiction seems to vanish. I cannot, nor can all the judicial authority of the state, discharge a defendant in a civil suit who has been held to bail in the courts of the United States, however illegal the arrest may be, because I have no jurisdiction—and yet it is seriously imagined that I have, at my chambers, authority to take their criminal jurisdiction, which is, by their laws, expressly exclusive, out of the hands of their tribunals, and to determine the acts of the national legislature, unconstitutional and void? Nay, more, in this state any two justices of the peace, one of whom shall be of the quorum, have authority to carry the habeas corpus act into execution, and have on the subject all the authority I enjoy. They too, then have a right to determine on the constitutionality of the acts of congress, and to release those who are amenable to the United States in their criminal courts. But the pretence for all this is, that the liberty of the citizen is to be preserved inviolate. Is it meant by this, that he shall be exempt from all the usual modes of trial instituted for the pre-

servation of that very liberty? That the march of justice is to be divested of every thing staid and sober? That instead of her solemn and learned judgments, we are to have *pie poudre* expositions of the great act of our national union? But against whom do we seek this protection? The government of the United States, the government of the people themselves, whose greatest power returns into their hands biennially, and all of it at short intervals. A government as able, as much bound, and no doubt as willing to protect the citizens as the governments of the states. A government, which has its habeas corpus act and its judges bound under the most solemn sanctions to execute it. A government to which the states constitutionally look up for the preservation of their free institutions. That jealousy which we sometimes see recommended, is bad law and worse policy. I deny that it is inculcated by a true understanding of the constitutions of the states. That it is necessary to the preservation of state rights, or that it can conduce to national happiness, or national greatness. It may make us busy about some little factious privileges which are in no danger. But a regulated liberty, under the protection of stable institutions, will be best and longest secured to us, by regarding the government of the Union in a spirit full of confidence—in a temper devoid of jealousy.

Finally, I am of opinion I have no jurisdiction of the case. Let the prisoner be remanded.

Edward P. Simons, esquire, counsel for the prisoner.

Thomas Parker, esquire, for the United States.

From the New Orleans Gazette of April 30.

UNITED STATES' DISTRICT COURT.

Louisiana District.

Present the honorable Dominick A. Hall.

Heirs of Livingston and Fulton,

vs.

John Cromwell, George Shiras, and others.

Last week an incidental point was ruled in a series of cases, which have excited much interest, and involved a question supposed, and, we believe justly, to be of great importance to the commerce of the states and territories of the west, to the navigation of the Mississippi and its tributary streams. We have been favored with a copy of the opinion of his honor judge Hall, delivered in one of the cases in question, which we take great pleasure in laying before our readers, together with a brief sketch of such proceedings in relation to the subject as we are acquainted with.

In the year 1811 the legislature of the then territory of Orleans granted to Messrs. Robert R. Livingston and Robert Fulton, their heirs, &c. "the sole and exclusive right and privilege to build, make, use, employ and navigate all and every kind or species of boats or vessels or water craft, which may be urged or impelled through the water by the force of fire or steam, in all creeks, waters, &c. within the jurisdiction of the said territory for and during the full term of eighteen years from and after the 1st day of January then next ensuing." To this grant certain conditions were annexed, which the grantees were required to comply with; and it was provided also "that any person or persons, whosoever, without being properly authorised by the said Livingston and Fulton, or their heirs, &c. who should make, use, employ or navigate any

boat or water craft, which should or might be urged, &c. through the water by the force of fire or steam, within the jurisdiction of said territory, should for each and every offence, forfeit and pay the said Livingston and Fulton, their heirs, &c. \$5,0000, and should also forfeit to the said Livingston and Fulton, all such boats or water craft, together with the steam engine and all apparatus thereof."

Under this privilege Messrs. Livingston and Fulton, in the year 1812, commenced running steam-boats on the Mississippi, which they have continued successfully ever since; but not without rivals, or free from interruption or interference in the enjoyment of the exclusive privilege, which they derived from the territory of Orleans, and which they now hold under the state of Louisiana. About the time, or soon after the time, when Messrs. L. and F. commenced their operations, several steam-boats were built upon the western waters, and in the necessary course of trade found their way to New Orleans: there they were denounced as intruders by those interested in the privilege of Messrs. Livingston and Fulton. To these uncourteous denunciations the strangers of the west answered in the tone of defiance, and immediately the artillery of the bar was marshalled on the sides of the respective combatants. For some time the contest was carried on in the state courts with various success: from thence it was recently removed to the United States' court, where the defendants in the present action, with several others, were prosecuted for the penalties accruing under the privilege, and ordered to be held to bail—some not being able to find security were confined in prison.

It was moved that the bail should be released in the cases in which it had been given, and that such of the defendants as were in prison should be discharged.

As the points taken by the counsel for the parties are examined by the judge, it is unnecessary to detail their arguments at length.

The case on the part of the defendants was opened by Mr. Dick, who contended that the court had no jurisdiction:

1. Because neither of the parties are citizens of the state in which the suit is brought: the plaintiffs declaring as citizens of New York, and the defendants being designated as citizens of Kentucky.

That this point depended on the constitution and laws of the United States—the limits of the judicial authority which congress can confer on the courts which they may ordain and establish are designated in the 2d sec. of the 3d art. of the constitution. But as the district and circuit courts owe their organization to, so they derive their power immediately from congress. Their authority being thus limited, the judicial act must be sought in order to determine its extent, and ascertain its boundaries. By the 11th section of that act the circuit courts have original cognizance of civil suits in three cases only. 1. Where the United States is plaintiff; 2d. Where an alien is a party; and, 3d. Where the suit is between a citizen of the state where the suit is brought, and a citizen of another state. In support of these positions, all the decisions of the supreme court touching questions of jurisdiction were cited.

2. Because the plaintiffs claim under a special and private act of the state of Louisiana, derived

from its sovereignty, and solely cognizable by its courts.

Mr. Duncan and Mr. Hawkins followed on the same side.

On the part of the plaintiffs Mr. Grymes and Mr. Winston contended:

1. That the judicial authority vested in the courts of the United States was derived immediately from the constitution, and that congress could no more abridge than enlarge it.

That by the constitution it was declared that the judicial powers of the United States shall extend to controversies "between citizens of different states," and that the present parties stood in these relations.

2. That the right accruing to the plaintiffs under the state act was a civil right, remedial in any court having jurisdiction between the parties.

After taking some time to consider upon the important question raised at the bar, judge Hall pronounced the following

DECISION:

This is a motion to discharge the bail ordered in this case, on the ground of want of jurisdiction, and for other causes. If it shall appear in the course of the examination of the subject that the court has no jurisdiction, I shall dismiss the suit.

It is contended that the 11th sec. of the judiciary act gives this court cognizance of cases between citizens of different states, *only* where the suit is between a citizen of the state where the suit is brought, and a citizen of another state—the plaintiffs and defendants are citizens of different states, but neither are citizens of this state; it is, therefore, concluded that this action cannot be maintained. In answer to this, it is said, first, that in the same section it is declared, "that no civil suit shall be brought before either of the said courts against an inhabitant of the United States in any other district than that whereof he is an inhabitant, or in which he may be found at the time of serving the writ;" from which it is inferred that any inhabitant of the United States may be sued wherever he may be found; it is said, secondly, that the constitution of the United States having declared that "the judicial power shall extend to controversies between citizens of different states," congress had no right to restrain or limit the jurisdiction, and this court may exercise all the judicial power granted by the constitution.

I shall consider the second point first.

It appears clearly to have been the opinion of the judges of the United States, ever since the formation of the constitution and the judiciary laws, that, excepting a few cases of *original* jurisdiction, given the supreme court by the constitution, the disposal of the judicial power belongs to congress. This is the language of judges Elsworth and Chase in 4th Dallas. "If congress has given the power to this court, we possess it, not otherwise; and if congress has not given the power to this court, or to any other court, it still remains at the legislative disposal." "Besides, congress is not bound, and it would perhaps be inexpedient to enlarge the jurisdiction of the federal courts to every subject which the constitution might warrant." Without this construction, I do not see how the judicial power of the United States could be exercised. By the constitution, congress has power to establish tribunals inferior to the supreme court, and the judicial power is vested in the supreme court and in such

inferior courts as congress may from time to time ordain and establish. But the whole judicial power is not given to each court; portions of that power are to be distributed to the different tribunals that may be established—to parcel out the power is the duty of congress, and the particular jurisdiction so distributed to the particular court, is the only one that can be exercised by it. Congress has performed this duty as far as it has deemed it expedient to use the power. In the case of *Bolman*, it is stated by the chief justice that it is incumbent on the counsel, in order to maintain their motion, to prove that the issuing of the writ of habeas corpus is an act within the powers of the supreme court in its original jurisdiction, that is, the power directly given to it by the constitution—or that in its *appellate* capacity, the power is expressly given by the law of congress. Now, as it is not pretended that this jurisdiction is expressly given to the *circuit courts exclusively*, by the constitution, it would appear from the reasoning of the chief justice that it is incumbent on the plaintiff to show that it is given by some act of congress. In the case of *Sere vs. Pitot*, the chief justice, in reasoning on the question of jurisdiction in the Orleans district court, mentions some of the cases in which the circuit courts of the United States have jurisdiction, and of what cases the circuit court of Orleans would be deprived, if the restricted construction of the act of congress establishing its jurisdiction should prevail. The circuit courts of the United States have cognizance of cases where an *alien* is a party, or the suit is between a citizen of a state where the suit is brought and a citizen of another state; the judge observes, "the court of Orleans would have no jurisdiction of a suit brought by or against a citizen of one state against the citizen of another state, because neither party would be a citizen of the state in which the court sat: but this would not follow according to the reasoning of the plaintiff's counsel, it not being essential, they contend, that either should be a citizen of the state where the court sits. From this observation of the chief justice, it appears clearly to have been his opinion that it is necessary, in the circuit court, between citizens of different states, that one of the parties to the suit should be a citizen of the state where the suit is brought; but there is a case in which it is not necessary in order to give jurisdiction, that either of the parties should be a citizen of the state where the suit is brought—that is the case included in the latter part of the 11th sec.—"a suit brought by an alien against a citizen who may be found in any district." Thus we find that all parts of the 11th sec. of the act are perfectly consistent—where citizens of different states sue, one party must be a citizen of the state where the suit is brought; but the alien may sue a citizen wherever he may be found. Let me ask upon what principle is the law so established? The answer is obvious—the principal motive for giving federal jurisdiction is, to secure aliens and citizens from local prejudices; but there is no danger of local prejudices where both parties are citizens of states other than where the suit is brought—they are both indifferent; and, therefore, there is no danger that the state courts would be partial to either. But the constitution and law apprehend partiality where one of the parties is a citizen of the state where the action is brought, and, therefore, gives the federal courts cognizance of the

cause. So in the case of an alien, this privilege is given to him solely on the score of his alienage; to satisfy foreign nations we declare, that an alien may sue in the national courts any of our citizens wherever they may be found. From the above reasoning it appears to me that the spirit of the constitution is complied with in the grant of jurisdiction to the circuit courts. Congress has given cognizance of controversies between citizens of different states, confining it, as they certainly had a right to do, to such cases as were contemplated by the constitution: that is, to cases where there would be any danger arising from the influence of local laws and prejudices. This not being such a one, it is not included in the grant, and this court deriving its jurisdiction immediately from the judiciary act, cannot take cognizance of this case.

NEW-HAMPSHIRE.

COMMUNICATION OF THE GOVERNOR TO THE LEGISLATURE.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

In obedience to the public will, I have again accepted the office of chief magistrate. I sensibly feel, and frankly acknowledge, the obligations my fellow-citizens have conferred upon me. They have made it my duty to promote their interests, by devoting my time and my talents to their service. If these can secure their approbation, my official conduct will not, I hope, disappoint their reasonable expectations.

Though the United States enjoy peace and security: though their government is administered by able men, who possess the confidence of the people: yet they as a nation, and we as a state, have difficulties to surmount, and embarrassments to remove. The great change which the European world has recently made, from war to peace, has very materially affected us. The nations in that quarter of the globe being now at peace with each other, have revived, and rigidly execute, their former colonial system of excluding other nations from a participation with them in the commerce of their colonies and dependencies. We are not only deprived of the carrying trade of Europe, which during their wars was a source of immense wealth to us, but the subjects of those nations now obtain a portion of the transport even of our own productions. This change has not only greatly depressed our commerce, but injuriously affected our agriculture and manufactures, and extended its efforts to almost every class of our citizens.

In New Hampshire the balance of trade is against us. Our imports from foreign countries, and from the southern section of our own country, exceed our exports. This order of things must necessarily drain off our money, and tend to produce a state of dependence on other nations and states, injurious to our interests, and dangerous to our freedom and independence. For it is with a state as with an individual—he that continues to buy much more than he sells, must be involved in debt, and sooner or later become poor. We may increase the number of our banking institutions, but they will not increase our wealth—the precious metals will be sent to other countries to purchase goods we do not want, or such as we can make ourselves. For these evils we may apply a gradual, but effectual remedy, by the increase of agriculture and of manufactures.

We are by nature formed for an agricultural and manufacturing state; and our habits and pursuits ought to conform to our situation. An improved state of cultivation would render our lands more fertile, our people more wealthy, and our country more independent. The constitution has made it our duty to “promote agriculture;” let us perform this duty with a zeal proportioned to its importance. Our improvements, compared with those in a neighboring state, are few and inconsiderable. As individual members of society, we may do much to convince our fellow-citizens, that it is more for their interest to cultivate the lands they now possess, than increase the number of their acres; and to devote their attention to those branches of agriculture, which are best suited to our soil and climate. Though the last year was unfavorable to the production of some kinds of bread stuff, we may with confidence expect more favorable seasons; that “seed time and harvest will continue”—and that “he that tilleth the land shall have plenty of bread.”

But a state wholly agricultural, cannot long exist as a free and independent people. A foreign manufacturing nation will soon impoverish, and then reduce it to dependence on them, as servile and degrading as that of colonies. Hence arises the necessity of our affording aid and support to manufactures. We are as able to make our own clothing as to raise our own food; and we ought not to depend on foreign countries for either.—It is to household manufactures that we must principally trust for our supply; they bring to the general stock of wealth the labor of the people; their industry affords aid to the larger establishments; and is a constant and certain source of wealth to the nation. The increase of manufacturing establishments not only enriches the farmer, by opening a market near him for his surplus provisions, but retains at home the wealth of the community, by preventing its specie from being sent abroad for the goods they manufacture.

If our object is to promote the real prosperity of the country, we must patronize agriculture and manufactures. They are the main pillars of our support; and on them we must depend for our wealth as a nation. If we cherish these, they will naturally encourage and support each other, and the wants of the people will be supplied from their own industry. And let us never forget, that labor is the real source and fountain of wealth; and that the rich, equally with the poor, are not only “fed from the field,” but clothed from the manufactory.

For the protection of our trade and navigation, we must depend upon the government of the Union, which has the exclusive control of this branch of our affairs. There is reason to hope that their present unfavorable state will not become permanent; and that the activity and enterprise of our citizens, which heretofore have been so successful, will, in due season, again enable them to acquire their accustomed share of wealth from foreign commerce.

Though I have not obtained a final adjustment of the claims of this state against the United States, for military services, during the late war, I have recently received, on that account, a draft from the treasurer of the United States on the cashier of the New Hampshire Union Bank, for twelve thousand dollars, which I delivered to the

treasurer of this state, who has received the money for the same.

The treasurer's report will exhibit the state of our finances, and enable you to determine what tax will be requisite to raise for the year ensuing. Among other appropriations, it will be necessary to provide for the building and finishing the state house.

The senate of the United States have recently directed the secretary of war to report to them, at their next session, the laws of each state relative to the militia, probably with a view to revise the laws of the Union upon that subject; and as the laws of congress must control those of this state, I submit the question to your consideration, whether it will be requisite at this time to revise our militia laws, as proposed at the last session.

Though we are now at peace with all the world, and it is of vast importance to preserve it, yet considering the state and condition of Europe, their jealousy of our growing importance in the community of nations, and the history of former times, we cannot rationally expect to be altogether exempted from the evils of war, which have so frequently visited mankind. Sound policy, therefore, requires us, in time of peace to prepare for war; and it is our duty, at all times, carefully to attend to the instruction, discipline, and equipment of the militia, which, when regulated, is our sure defence, and in a great measure will supersede the necessity of a large standing army in time of peace.

[After recommending to the notice of the legislature some topics relative to state concerns alone, the message proceeds.]

The United States require their officers to make accurate returns annually of the amount of salary and emoluments that they receive from their offices. If a similar return was required of certain officers acting under the authority of this state, I think its effects would be beneficial. It would not only tend to correct abuses, but afford useful information to the legislature in regulating the future compensation of those officers.

We commence our respective duties under circumstances favorable to the faithful discharge of our important trusts. At peace with all nations, and enjoying, without restraint, the fruits of our own industry, and the rich inheritance of our father's toils—knowledge, freedom, and independence—we have it within our power to command as great a portion of national and individual happiness as ever fell to the lot of any state or nation. It is from the fatal effects of *party spirit*, depraving the morals, and perverting the understandings of the people, that we have most to fear, either for the stability of our government or the harmony of its councils. With the exception of those *interested individuals*, who look rather to party than to their merit or public services for preferment, and who owe their chief importance to the angry passions and party feuds which have too long distracted these states, the great body of the people seem disposed to judge of the proceedings of their government with candor and liberality.—They feel the important truth, that moderation is wisdom; and though differing in their views and means of judging, they are inclined to consider all honest politicians as having the public good for their polar star. We cannot rationally expect to extirpate party spirit altogether; a portion of it seems requisite in a free government to excite public vigilance; but we may do much as legisla-

tors and citizens, to control and circumscribe its pernicious effects, and to banish from the community that illiberal and malignant temper, which ascribes the best actions to the worst motives, and influences us to impute an evil design to those with whom we differ, even where we cannot withhold our approbation from their measures. A disposition the reverse of this ought to prevail.—Conscious of the purity of our intentions, we ought to consider others equally honest, though they may be mistaken in their views. Such enlightened and liberal sentiments tend to unite the people with their governments, produce harmony in the public councils, and dispatch in the public business.

In all our proceedings let us cherish a spirit of moderation and harmony, of vigilance and frugality, and be emulous to advance the real interest of our constituents, that we may effectually obtain the end for which we were invested with authority.

WILLIAM PLUMER.

New-Hampshire, June 5, 1817.

PUBLIC DOCUMENTS.

Letter from the secretary of the treasury, transmitting a report made in pursuance of a resolution of the house of representatives of March 9, 1816, requiring the secretary of the treasury to report to the next session of congress, whether any, and if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other instruments used in distillation.

TREASURY DEPARTMENT, JAN. 13, 1817.

SIR—In obedience to a resolution of the house of representatives, of the 9th of March, 1816, requiring the secretary of the treasury "to report to the next session of congress, whether any, and if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other instruments used in distillation," I have the honor to report the information obtained upon that subject by the commissioner of the revenue, to whom it was referred by the secretary of the treasury.

The result of the inquiry instituted by that officer, renders it doubtful whether any change in the existing system is indispensably necessary.

Should the change suggested by the commissioner of the revenue, be declined, the idea presented in document C for introducing uniformity in the form and construction of stills and boilers, appears to be entitled to consideration, if the system of internal revenue should be rendered permanent. The more easily to effect that object, the form and construction of stills and boilers, deemed most efficient in distillation, should be designated by law, and legal provision should be made for allowing a certain discount upon the amount of tax imposed upon all such stills and boilers, after the expiration of a certain number of years. By fixing the time sufficiently remote to allow of the expiration of existing leases and contracts, the owners of stills of a different construction would not fail to have them changed into the form designated by law. As every deviation after that period, from the prescribed form, would be excluded from the allowance granted in favor of that description of still, or boiler, no change would be attempted, except when the advantages resulting from it would exceed that allowance.

In order that this regulation may not operate to the repression of enterprise and invention, the

law might provide that no change in the rate of tax thus established, should be made with a view to equalize the duty upon any deviation from the prescribed form, for a certain term of years after it should be in operation.

I have the honor to be,

Your most obedient,

And very humble servant,

WILLIAM H. CRAWFORD.

The honorable Henry Clay,

Speaker of the house of representatives.

TREASURY DEPARTMENT,

Revenue Office, Dec. 30th, 1816.

SIR—The secretary of the treasury having on the 29th day of June last, referred to me a resolution of the house of representatives, of the 9th of March preceding, requiring him "to report to the next session of congress, whether any, and if any, what alterations are necessary, to equalize the duty on the capacity of stills, boilers, and other implements used in distillation:" I have the honor to make thereon the following report:

To obtain the best materials for forming an opinion on the point referred to me, a letter was, on the 14th day of July, addressed to doctor Samuel L. Mitchell, of New-York, and to Alexander Anderson, esquire, of Philadelphia, a copy of which is annexed (marked A.)

On the 15th of the same month, a circular letter (marked B.) was addressed to the respective collectors of the internal revenue.

Messrs. Mitchell and Anderson, having promptly undertaken to fulfil the trust confided to them, have transmitted as the result of their enquiries, the annexed communications (marked C. D. E. and F.)

Answers have likewise been received from most of the collectors, from which it is computed that there are in the United States, 650 boilers of an average capacity of 102 gallons.

11,070 stills of capacities not exceeding fifty gallons.

17,080 stills of capacities between fifty, and one hundred gallons.

9,160 stills of capacities between one hundred and two hundred gallons; and

570 stills of capacities exceeding two hundred gallons

Agreeably to the information derived from these and other sources, aided by that previously in the treasury it appears—

That by far the greater number of stills, more, probably, than nine out of ten, are of the common old construction, which is generally very uniform.

That the shallow stills, though at present few in number, are increasing slowly.

That, if the late changes and present most approved forms of construction be taken as a guide, the advantages, combining all the incidental circumstances of the shallow over the deep stills, do not seem to be generally considered as great.

That the benefits attached to stills with Whitmer's and Anderson's improvements appear to be much greater:

That the new stills in use exhibit a great variety of construction, and differ in their productive powers, much from each other.

That the boilers, as well in their construction as their products, differ greatly from each other.

That, although the present duty on the boilers is generally considered as relatively lower than that on the stills, the former do not seem materi-

ally, if at all, to increase; that on the contrary, the instances are frequent in which they have been abandoned for stills; a circumstance which arises, perhaps principally, from the inferior quality of the spirits made with the boilers. A contrary opinion is, however, expressed on this point, as well as others connected with boilers, by Mr. Anderson.

The inequalities in the operation of the existing duties do not, in my opinion, sensibly affect the revenue, or give to one description of vessels, advantages, in their practical defects, greatly injurious to those of a different description. As, however, it satisfactorily appears that several cases exist of stills as well as boilers of a particular form, paying at present, but an inconsiderable duty compared with that generally paid, it is probable that these inequalities, however limited at present, will, unless seasonably counteracted, become the germs of much greater inequalities.

It has been suggested that this counteraction may be effected by graduating the duty, according to the size and form of each still or boiler, on a principle resulting from a combination of their form and size.

It was, in a great measure, with the view of ascertaining the practicability of this suggestion, that the inquiry, submitted to Messrs. Mitchell and Anderson, was instituted. Their answers, and particularly the experiments of Mr. Anderson, will show the light they have been enabled to shed upon this point.

Although it does not appear, either from their researches or from a general consideration of the subject, that the adoption of such a principle is absolutely impracticable, the complexity attendant on any plan that has been devised for its application is so great as to render the result at least questionable; while, if the opinion of Mr. Anderson on the relative products of shallow and deep stills be received as correct, the necessity for adopting such a principle is generally shaken.

Should, under the impression that shallow stills have according to a given ratio an advantage over deep ones, a duty be laid on their capacity up to a certain line, and a lower duty on their capacity above such line, increasing, at pleasure, the several rates of duty, it must be obvious that, as the forms of the stills now in use are extremely different, and are daily becoming more so, the inevitable effect of such a principle would be, unless equal in its operation on all possible kinds of stills, to act as a bounty, at the expense of all the rest, on vessels so constructed as least sensibly to feel the duty.

To show how difficult it is to find and to apply such a principle, it may be useful to state the recent use of a deep still, with a large hollow cylinder open at the bottom and rising in the centre to a considerable height, by which the surface around this centre, exposed to the direct action of the fire, is greatly enlarged. Here, then, is an instance of a deep still, the duty on which would be relatively light, possessed, perhaps, of equal, if not greater productive powers than a shallow still.

If it shall be deemed unsafe to adopt a principle doubtful in theory, and attended with such difficulties in its application, and it shall, nevertheless, be considered expedient to attempt a further equalization of the existing duties, the following is suggested as the most equitable and effectual plan.

It has been stated that by far the greater number of stills, more, probably, than nine out of ten, are of an uniform construction. As it is on considerations drawn from the productive powers of these that the present duties were imposed, all that is requisite to ensure an equal and impartial operation of the duties, as well on existing stills of a different construction as on such as may be hereafter constructed, is to impose duties on these two classes, agreeably to their productive powers, proportionate to those paid on stills of the common kind. To effect this object, it is respectfully proposed that the present duties on stills be the minimum duties imposed, to be exacted in all cases not specially provided for; and that it be specially provided that, in the case of stills which deviate from the common construction, a particular survey be made of each still, at the time it shall be first used, and that the duty on its capacity be specifically fixed on its computed productive powers, agreeably to the award on such survey; that this survey and award be made by the collector, with such professional skill as he may call to his assistance; but that, in case the award be not satisfactory to the owner of the still, a reference be authorized to such person as may be named by the collector and such person as may be named by the owner of the still, with power, in case of their disagreement, to name an umpire; that the expense, if there be no appeal from the original survey, be defrayed by the United States; and if there be an appeal by the owner of the still: and that the award thus given shall continue to regulate the duties payable until the still shall undergo a change in its form or size, when a like survey shall be repeated.

In the case of boilers, it would seem best to submit them all to a special survey, adhering to the present as the minimum rates of duty.

An essential feature of this plan is, in no instance, to receive on any still or boiler a lower rate of duty than that now imposed; for should the system admit, according to circumstances, of a diminution as well as augmentation of duty from the prescribed standard, it would be difficult to assign any limits to the consequent defalcation of revenue.

The objection to this plan, on the ground of expense, cannot be great, as the anomalous cases to which it would apply would not, probably, in the first year, amount to one thousand, while, in subsequent years, they would be comparatively few.

I have the honor to be,

With great respect,

Your obedient servant,

SAMUEL H. SMITH,

Commissioner of the Revenue.

Hon. William H. Crawford,
Secretary of the Treasury.

(Copy.)

[A.]

TREASURY DEPARTMENT,
Revenue Office, July 14, 1816.

Sir—A resolution of the house of representatives, passed the 9th of March, 1816, requires "that the secretary of the treasury report to the next session of congress, whether any, and if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other implements used in distillation."

The secretary of the treasury having referred this subject to me, I have the honor of requesting

from you, towards its elucidation, such information as it may be in your power to communicate. From the general attention which you are known to have paid to chemistry, and the arts, you will, it is supposed, possess the means of adding to the information to be derived from foreign sources the more valuable lights of your own experience in this country, by which such a practical criterion may be attained as we may safely adopt.

I enclose a copy of the existing act of congress which shows the manner in which the duty on stills and boilers is now laid.

The following remarks may enable you, with the greater precision, to give the requisite information:

1. The complete equalization sought can, it is believed, be no otherwise effected than by imposing the duty in such a way as in effect to lay an equal burden on the same quantity of spirits of like quality whether made in stills, boilers, or other vessels used or that may be used for distillation.

2. The duty must be laid on the still or boiler, agreeably to a principle that can be applied at the time of granting the licence, and consequently, before the employment of the still or boiler.

In several foreign countries the duty is understood to be on the capacity of the mash-tubs, or the quantity of wash: but the circumstances of this country, and the habits of our citizens, forbid a resort to this expedient.

3. It is indispensable that the principle adopted shall apply to all existing and probable cases, arising from new forms of distillatory vessels that may be introduced into use, and that it should be so simple as to be easy of application.

Two sources of inequality are alleged to exist under the present system, one arising from the relative inequality of the duty on boilers compared with that on stills, and the other from the relative inequality of the duty on stills.

In regard to the first class of cases, the boilers are said to be of such various construction that the present duty is in some cases much greater than in others, and that this is so, to such a degree, as to give the most improved boilers a great advantage over other boilers, and a much greater over stills. Although there is strong reason to believe that there is much exaggeration in the popular opinion on this head, it is worthy of consideration, whether the capacity of the vessels that convey the steam would not constitute a better principle for the imposition of the duty, than the capacity of the vessels in which it is generated.

In regard to the second class of cases, it is alleged, and certainly with some truth, that great advantages are gained by some stills, from their peculiar size and form, over others. This allegation has been answered by observing that this is, and perhaps under any modification of the duty, must continue to be the case, as it flows from the progressive improvements in the arts, and is, in fact, intimately connected with their advancement, the advantage incident to every new improvement operating as a bounty. But it is replied, that the different habits of the country do not admit of the general adoption of the most improved implements, and that, considering the vast number of stills already in use, any duty which operates as a bounty on those of a new construction, must be oppressive to the owners of those now in use.

It has been suggested that the duty might, in these cases, be equitably modified by imposing a

particular rate of duty on the capacity in gallons to a certain height from the bottom of the still, and different rates of duty on the capacity beyond this point, diminishing the rate with the ascending points, and augmenting the number of these points as circumstances should require. To determine the correctness of this principle, it would appear necessary to ascertain whether the aggregate capacity of the still, accordingly as it should be large or small, would not exhibit anomalous results; and whether its general form or that of its parts, would not also have a like effect, and in such a degree as to destroy the equal operation of the principle. It is especially desirable that the practicability of this expedient should be effectually investigated.

Should you succeed in fixing any new principle, agreeably to which the duty might be laid, it will still remain to state, with precision, the means by which it will be best and easiest carried into effect, without the means of philosophical instruments, or the possession of other than the elementary principles of mathematics.

As the solution of these inquiries, and the establishment of a general basis for the equitable imposition of this duty, cannot probably be effected without actual experiment and much minute observation, some expense will necessarily be incurred, which will be cheerfully defrayed, provided it shall not exceed two hundred dollars. I am not insensible of the awkwardness of any such limitation in a case where a favor is requested; but its correspondence with the invariable usage of the treasury will, I hope, constitute a due apology for it.

You will much oblige me by an early answer, apprising me whether it will be convenient to you to attend to this business, on which, it is desirable that a report should be made to this department by the 1st of October next.

I am, &c.

(Signed)

S. H. SMITH.

Commissioner of the Revenue.

Samuel L. Mitchell, esquire,
New-York.
Colonel Alexander Anderson,
Philadelphia.

(B.)

[Circular to the Collectors of the Revenue.]

TREASURY DEPARTMENT,

Revenue Office, July 15, 1816.

SIR—A resolution of the house of representatives, passed the 9th of March, 1816, requires "that the secretary of the treasury report to the next session of congress, whether any, and if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other implements used in distillation."

The secretary of the treasury having referred this subject to me, I request that you will communicate to me, previous to the 1st of October next, such information as will, in your opinion, contribute to the formation of a correct judgment. I wish particularly to ascertain:

1. The number of boilers in your district, and their average capacity.

2. The number of stills, and their average capacities, formed into four classes—first, those under fifty gallons—second, those between fifty and one hundred gallons—third, those between one hundred and two hundred gallons—and, fourth, those above two hundred gallons.

3. A general description of the prevalent construction of the stills and boilers.

4. A specification, with as much precision as may be, of the various products of each kind, so as to show the degree of inequality of the present duty; distinguishing, particularly, between the stills and boilers, and between the shallow and deep stills; and combining with these statements a view also of the relative expense, arising either from the original cost or the accruing charges incident to each kind, and of the quality of the spirits made.

It is not contemplated that these materials should be the result of actual enumeration or measurement, but that they should merely be such as not materially to deviate from the truth.

To this information, you will be pleased to add your opinion of the most eligible mode of imposing the duty.

I am, respectfully,

S. H. SMITH.

Commissioner of the Revenue.

[To be continued.]

PIUS P. P. VII. BULL AGAINST BIBLE SOCIETIES.

From the Baltimore American of the 6th of June.

MESSRS. EDITORS—The following document having been published in the National Intelligencer (26th May) it will gratify, I suppose, the curiosity of your readers, to give it an insertion in your paper, and the few remarks annexed to it will not, I hope, seem to you inadmissible, as a simple matter of information:

From the London Morning Chronicle.

Translation of the bull against the Bible Societies, issued June 29th, 1816, by Pope Pius VII. to the archbishop of Gnesn, primate of Poland.

PIUS P. P. VII.

VENERABLE BROTHER—Health and apostolic benediction. In our last letter to you we promised, very soon, to return an answer to yours, in which you have appealed to this holy see, in the name of the other bishops of Poland, respecting what are called Bible Societies, and have earnestly inquired of us what you ought to do in this affair. We long since, indeed, wished to comply with your request; but an incredible variety of weighty concerns have so pressed upon us on every side, that till this day we could not yield to your solicitation.

We have been truly shocked at this most crafty device, by which the very foundations of religion are undermined; and having, because of the great importance of the subject, conferred in council with our venerable brethren, the cardinals of the holy Roman church, we have with the utmost care and attention, deliberated upon the measures proper to be adopted by our pontifical authority, in order to remedy and abolish this pestilence as far as possible. In the meantime, we heartily congratulate you, venerable brother, and we commend you again and again in the Lord, as it is fit we should upon the singular zeal you have displayed under circumstances so dangerous to christianity, in having denounced to the apostolic see this defilement of the faith so imminently dangerous to souls. And although we perceive that it is not at all necessary to excite him to activity, who is making haste, since of your own accord you have already shown an ardent desire to detect and overthrow the impious machinations of these innovators: yet, in conformity

with our office, we again and again exhort you that whatever you can achieve by power, provide for by counsel, or effect by authority, you will daily execute with the utmost earnestness, placing yourself as a wall for the house of Israel.

With this view we issue the present brief, viz. that we may convey to you a signal testimony of our approbation of your excellent conduct, and may also endeavor therein still more and more to excite your pastoral solicitude and diligence. For the general good imperiously requires you to combine all your means and energies to frustrate the plans which are prepared by its enemies for the destruction of our most holy religion, whence it becomes an episcopal duty, that you first of all expose the wickedness of this nefarious scheme, as you have already done so admirably, to the view of the faithful, and openly publish the same, according to the rules prescribed by the church, with all the erudition and wisdom which you possess, namely, "that the Bible printed by heretics is to be numbered among other prohibited books, conformably to the rules of the Index, (§ No. 2 and 3) for it is most palpably evident from experience, that the Holy Scriptures, when circulated in the vulgar tongue, have, through the temerity of men, produced more harm than benefit." (Rule IV.) And this is the more to be dreaded in times so depraved, when our holy religion is assailed from every quarter with great cunning and effort, and the most grievous wounds are inflicted on the church. It is, therefore, necessary to adhere to the salutary decree of the Congregation of the Index, (June 13, '53) that no versions of the Bible in the vulgar tongue be permitted, except such as are approved by the apostolic see, or published with annotations extracted from the writings of the holy fathers of the church.

We confidently hope, that in these turbulent circumstances, the Poles will give the clearest proofs of their attachment to the religion of their ancestors; and by our care, as well as that of the other prelates of this kingdom, whom, on account of the faith, we congratulate abundantly, justify the opinion we have entertained of them.

It is moreover necessary that you should transmit to us as soon as possible the Bible which Jacob Whick published in the Polish language, with a commentary, as well as a copy of the edition of it lately put forth without those annotations, taken from the writings of the holy fathers of our church, or other learned catholics, with your opinion upon it; that thus, from the collating them together, it may be ascertained, after mature investigation, that certain errors lie insidiously concealed therein, and that we may pronounce our judgment on this affair for the preservation of the true faith.

Continue, therefore, venerable brother, to pursue this truly pious course upon which you have entered, viz: diligently to fight the battles of the Lord for the sound doctrine, and warn the people intrusted to your care, that they fall not into the snares which are prepared for their everlasting ruin. The church demands this from you as well as from the other bishops, whom our rescript equally concerns, and we most anxiously expect it, that the deep sorrow we feel on account of this new species of tares which an adversary has so abundantly sown, may, by this cheering hope, be somewhat alleviated; and, we always very heartily invoke the choicest blessings upon yourself and your fellow bishops for the good of the

Lord's flock, which we impart to you and them by our apostolic benediction.

Given at Rome, at St. Mary the Greater, June 29, 1816, the 17th year of our pontificate.

PIUS P. P. VII.

In addition to the document above, some remarks which imply no controversy, but are so simple matters of fact, may be introduced. They can but please the impartial and diligent observer, and assist, not bias, the private judgment of the readers of any description.

1. That brief, such as it is given out, whether authentic or not, whether faithfully translated or not, two points which remain to be ascertained, does not proscribe every translation of the Bible, or forbid its reading, in contradiction to the brief of Pius the VI. printed in the last editions of the Bibles of the Catholics—translations have been used by them since the reformation as before.

2. It exercises but a right always acknowledged by the Catholics in their pastors, to control and regulate the business of translating, adding notes, printing and circulating the divine book, as committed to their special care, with a view of preserving at all times the integrity of the text and fidelity of versions, and also the proper intelligence of the inspired sense which they consider as one and unchangeable.

3. Doing this the Catholic clergy may be considered, by liberal minds, as showing, in their own way, their best respect and zeal for the scriptures, the existence and right interpretation of true sense of which do not seem to them likely to subsist in the long course of time, if entirely left to the care of unauthorised editors.

4. They allege, as Catholics, that a considerable part of the divine word has already been annihilated in that way, or, what is the same in their eyes, or worse, reduced to the condition of profane or apocryphal writings—the books of Tobias, Judith, Wisdom, Ecclesiasticus, Baruch, 1 and 11 Maccabees, and whole chapters of many others—the question is not here of the right or wrong of their canon of the scriptures, but of the consistency of their opinion, and a decided opposition to a scheme which seems to them no less than an attempt to destroy such parts of the scriptures, and of course no less odious for the Catholics than would be for the Protestants a decree from the holy see to declare any of the gospels no part of the divine word.

5. The same would be observed in relation to the sense of the translations adopted and circulated by the Bible Societies, which the Catholic clergy consider, right or wrong is not the question, as materially and essentially different from the true sense of the inspired authors.

6. The scheme of circulating the divine scriptures, and particularly such translations, in their eyes curtailed and altered, and offering them to the Catholics without reference, or in opposition to the direction of their clergy, may to the holy father and the bishops seem an improper and hostile encroachment, susceptible of being opposed by their authority, as far as freely acknowledged by their people, in such matters, and, in fact, possibly no farther.

7. Self defence, then, in consistency to their principles and those of their flock, which, as Fenelon explains it in his celebrated letter on the subject, require authorised interpretation of the scriptures, and admit of control in their private

reading as utility and prudence may suggest, is the first thing to be observed in such documents of the Catholic church. Whether the times seem particularly awful, and the doctrines of Christ more exposed than usual by the scheme of Bible Societies, and whether it requires such special cautions, the Pope and the Bishops may well be left to judge for themselves. It might be observed that many among the Protestants have expressed their own objections to the said scheme, on other grounds, no doubt, and refused or withdrawn their support; but we confine ourselves to offer these few remarks to those who might otherwise pass too hastily or too severely their judgment in a matter in which any statement likely to favor moderation and impartiality, is as desirable as in any other, since all the questions implied in the case of this document must appear so important, and cannot be too attentively, completely, and dispassionately considered.

One of your Subscribers.

From a Dublin paper of the 3d of May, 1817.

ROGER O'CONNOR, Esquire.

COURT OF KING'S BENCH.

On Tuesday last, Mr. Rolleston, as counsel for Mr. O'Connor, moved for a writ of *Habeas Corpus*, to be directed to Frederick Darley, esquire, chief magistrate of police, to bring before their lordships Mr. O'Connor, who had been detained, as prisoner, in the head police office for some days; and also to produce, in court, a copy of the informations upon which Mr. O'Connor was arrested.

The court were pleased to grant the motion.

Yesterday, at eleven o'clock, Mr. O'Connor appeared at the side bar of the court of king's bench, in custody of Gilbert and Lynch, peace officers.—Alderman Darley and counsellor Guinness, of the head police office, sat on the register's bench.

In a short time afterwards, the lord chief justice, and the honorable justices Day, Daly, and Osburn took their seats on the bench.

Mr. Rolleston rose—He said, that, in pursuance of their lordship's writ of *habeas corpus*, Mr. O'Connor was then in court; and he had to move in his behalf, that the return be read; and he had further to state, that Mr. O'Connor did not intend to take advantage of any informality in it. He wished to have his trial brought on as speedily as possible, and, in the mean time, to be admitted to bail. He wished to have the information read, that he might know the name of the person who lodged them.

The clerk of the crown read the return, which stated, that he was apprehended under the warrant of Frederick Darley, esquire, backed by Edward Allen, esquire, of Cork, which warrant stated, that he had received information, on oath, that Roger O'Connor and Arthur O'Connor were aiding, abetting, and assisting in robbing the Calway mail coach, in Cappagh-hill, in the county of Kildare, on the 2d of October, 1812; and that, on the 29th April, the said Roger O'Connor was brought to the head police office, in custody, where he has since remained for examination, and that he has been detained there at his own request in preference to being sent to Newgate.

Mr. McNally—I believe, my lords, unless I am under very great mistake, it does not state that he is charged with feloniously robbing.

Chief Justice.—It does not state so. We have

read the information carefully, and do not think ourselves warranted in admitting him to bail.

Mr. O'Connor now rose, and addressed the bench at considerable length. He said he felt himself impressed with the idea of the impossibility of his leaving the court with justice to his feelings, without addressing a few words to their lordships. There were many in the court, who, perhaps, were not aware that the charge now brought against him took place nearly five years back, and that the robbery was committed nearly nine miles from his house; and he wished it might be known how he has since acted. The officers of the post office, who carry on the prosecution, are aware that the mail-bags were found in his demesne, and that he brought them up to his house, where they remained from an early hour in the morning until late in the evening—that he wrote to Mr. Lees, of the post office, stating the circumstance, and that he also gave information to the postmaster at Somerhill, for which he received Mr. Lee's thanks. He went down to the county of Cork on lawful business, on a commission issued by the court of exchequer for the examination of witnesses, where he was arrested on this charge—he most solemnly protested his innocence, and declared it was an abominable conspiracy against his character, his property, and his life; he called upon Gilbert, the peace officer, who arrested him, and who then sat next him, to say, whether he could have kept him a prisoner, but for his (Mr. O'Connor's) interference with the country people, who collected, to the number of at least one thousand persons, to rescue him; and who only dispersed at his intreaties. Mr. O'Connor called upon him to say, whether he and the peace officer from Cork did not proceed along the road, the night being extremely dark, upwards of two miles ahead of him; and whether he did not follow them into Cork, accompanied by a friend. He was not, he said, in duress whilst he was in Cork, and might have gone wherever he pleased. For upwards of twenty years he had been the victim of unremitted persecution—he had never flinched from his enemies, nor would he now. He came determined to meet this charge, which he again declared, was an atrocious conspiracy. Since the year 1797, he had been persecuted, because he refused an earldom from the earl of Chichester. He appealed to their lordships, and to all who heard him, whether it was probable that a man of his property, education, and habits, would associate with a lawless banditti, composed of robbers and murderers; his heart revolted at the idea. He had nine children whom he adored, and he implored their lordships not to lend themselves to such an abominable conspiracy; he had reasons to believe that the informations were given by a man of the name of Owens, now a prisoner under sentence of death, for felony. Many falsehoods and misrepresentations had gone abroad, but he, with confidence, appealed to Mr. Serjeant Jebb, who was now in court, whether he did not refuse to give Owens a character, when he had reason to suspect his being guilty of atrocities. Mr. O'Connor again declared his innocence, and his readiness to meet the charge; and entreated their lordships to admit him to bail, which he was ready to give to any amount whatever.

The lord chief justice said, that nothing that fell from the court could be considered favorable or unfavorable; there were other informations

and he hoped the prisoner would be able to justify his innocence, but the court could not alter its decision.

Mr. O'Connor was then ordered into custody of the high sheriff of the city of Dublin.

Mr. McNally applied to the court, that O'Connor might be suffered to remain in custody at the head police office, in consequence of the jail of Newgate being so crowded.

The chief justice said that could not be granted.

Mr. McNally then applied to have him committed to Kilmainham jail, as, from the length of time he would have to remain in prison before his trial would come on, his health would be greatly impaired in Newgate.

The chief justice conceived it better to make the order in the usual way, to commit the prisoner to Newgate; but his counsel might afterwards make a motion, grounded on an affidavit, to have him removed to the county jail.

Mr. O'Connor was then given in custody to Mr. sheriff Dixon, and was immediately conducted in a carriage to Newgate.

Counsel for Mr. O'Connor—Messrs. Rolleston, McNally, and Bennett—against, Mr. Aslop.

DOMESTIC SUMMARY.

THE PRESIDENT'S TOUR.

Trenton, June 12.—On Saturday evening, a little after sun set, the president, accompanied by gen. Swift, chief of engineers, Mr. Ingersoll, district attorney for Pennsylvania, and Mr. Mason, his private secretary, reached the Delaware bridge below this city, where the municipal authorities, the volunteer companies of Trenton, commanded by captain Rossell, and a large concourse of citizens, were awaiting him. His arrival was announced by a piece of artillery, under the direction of captain Yard, and by the ringing of bells. He was conducted by the military escort to Anderson's tavern, where a *feu de joie* was fired. The mayor, Mr. McNeely, the recorder, Mr. Ch. Ewin, and aldermen Broadhurst, Taylor and Smith, were immediately presented to him, when the recorder made him the following extempore address:

"The mayor and city council, and, through us, the citizens of Trenton, present to you, sir, their most unfeigned respects—congratulate you on your arrival, and give you a most cordial welcome to this city—the scene, sir, of some of the services you have rendered our country. We most sincerely wish you the enjoyment of health, a long life, and a prosperous administration."

To which the president spontaneously replied:

"I feel very sensibly this kind attention on the part of the authorities of the city of Trenton—the place where the hopes of the country were revived in the war of the revolution by a signal victory obtained by the troops under the command of general Washington, after a severe and disastrous campaign. I am well acquainted with the patriotism of the citizens of Trenton, and, indeed, of Jersey; for none suffered more, or displayed greater patriotism in our revolutionary contest. I beg you to accept my best wishes for your continued prosperity and happiness."

For a perfect understanding of an allusion of the recorder, it may be proper to state, that in the battle of Trenton, which terminated in the capture of the Hessians, in the revolutionary war, Mr. Monroe received a wound, which confined

him nearly nine weeks at the house of Judge Wynkoop, of Bucks county.

On Sunday the president and suite attended divine service in the Presbyterian meeting house.

New Brunswick, N. J. June 12.—Information having been received, on Monday morning, that the president of the United States would pass through this city about noon on that day, a respectable number of our citizens assembled at Runyan's City Hotel, and appointed A. Kirkpatrick, J. Bray, I. Lawrence, D. W. Disborough, B. Smith, W. P. Deare and J. W. Scott, esqrs. a committee to make arrangements for his reception.

The committee, after making such arrangements as the short time allotted them would permit, left the city and met the president a few miles from town. Chief justice Kirkpatrick, in the name of the committee, respectfully congratulated the president on his arrival; to which he made a polite and suitable reply.

As the president approached, he was met and escorted to the city tavern. His arrival was announced by the ringing of bells and the discharge of cannon. At the entrance of the town an elegant horse, furnished by Mr. John Degraw, was tendered the president, which he mounted and rode into town. The streets were literally filled with spectators, all anxious to testify their respect for the chief magistrate.

A number of citizens also attended, and were presented by the committee to the president, who received them with great affability and marked respect.

After remaining about an hour, he again mounted on horseback, and proceeded on his journey towards New York. Capt. Van Dyke's troop accompanied him about five miles.

In Baltimore, in Philadelphia, and in Trenton, we have the most gratifying accounts of the reception the president met with. But we will venture to say that no place has exceeded New Brunswick in the unanimity manifested, the sincerity professed, or the order and display made by its citizens. All considerations of party were merged in the general wish to honor the president.

New-York, June 12.—The President of the United States arrived in this city yesterday, agreeably to expectation. The wind being very high in the morning, the intention of bringing him in a barge was necessarily abandoned; and the steam-boat *Richmond*, which was politely offered by Mr. Lynch, at a moment's notice, was used for the purpose. The committee of arrangements of the corporation, Major General Morton, and Major General Mapes, and their suites left the city at eight o'clock for the seat of the Vice President, at Staten Island, where the President had remained since Monday evening. At ten, the President, with those gentlemen, and with the Vice President, General Swift, Commodore Evans, and Captain Biddle, of the navy, left Staten Island in the steam-boat. They were accompanied by the Saranac, sloop of war, and the revenue cutter, who, in their approach to the city, fired salutes. A salute was also fired from Castle Williams as they passed. The elegant band of Colonel Mercein's regiment was on board the steam-boat, and played a variety of airs.

On their approaching the battery, several barges from the fort attended, and the President, with the chairman of the committee of arrangements,

the commander of the state artillery, and the commander of the navy, with his own suite; General Swift, and Mr. Mason, left the steam-boat in Commodore Evan's elegant barge; the rest of the company in the other barges. They landed at the battery under a salute from a battalion of artillery placed for that purpose; the committee of arrangements first landing and received the President with congratulations.

On his arrival in the city, the President and suite, Major General Scott, of the United States' army, Generals Morton, Mapes, and Swift, then dismounted and reviewed the line of troops paraded on the occasion, under the command of Brigadier General Stevens, of the first brigade of artillery. A conspicuous and honorary place to witness the review, was assigned to the committee of arrangements, and a number of navy officers.

After the review, the President, with the general officers took their stations at the head of the column and proceeded by Broadway, and entered at the west gate of the park. The President placed himself in front of, and facing the City Hall, and then received from the troops the honors of the marching salute. After the salute, the President alighted, was received on the steps of the Hall by the committee of arrangements, and conducted by them to the elegant room in the City Hall assigned to him by the common council, for the purpose of receiving visitors. The common council being assembled for the purpose, then waited upon him, when his honor the mayor, in behalf, addressed him as follows:

To the President of the United States.

SIR—The mayor, aldermen, and commonalty of the city of New-York, beg leave to present to you their sincere congratulations on your arrival in this city.

It is with pride and pleasure that they see among them the chief magistrate of the nation, in the capacity of a private citizen, reposing himself, with just confidence, in the affections of a generous people, and are happy to embrace this opportunity, on behalf of themselves and their fellow citizens, to express to him the high sense they entertain of his private virtues and public services.

Called by the voice of a nation of freemen to the first office in their power to bestow, you can possess no higher evidence of their approbation of your past conduct, and of their confidence in the able and faithful discharge of the important duties assigned to your present station. Nothing can add to the force of this testimony, founded, as it is, with uncommon unanimity, on the sense of a free and enlightened people.

We learn, with great satisfaction, that your present tour is connected with the object of carrying into effect the measures of general defence proposed by the congress of the United States, and that you have deemed them of sufficient importance to merit your personal attention. On this subject permit us to say, that our citizens feel a deep and lively interest. This state, from its local situation and exterior frontier, is peculiarly subject to become the theatre of war; and the city of New-York, while it affords the strongest temptation, is much exposed, from its natural position, to the attempts of a foreign enemy: although in the late contest it has not actually been assailed, we may presume it may, without arrogance, be said, that the extraordinary and spirited exertions

of our citizens, powerfully supported by the patriotic efforts of the people of this and a neighboring state, taught the enemy to believe that such an attempt could not be made with impunity.—The wisdom of our government is displayed by the measures now undertaken, to provide, in time of peace, the security required in war; and we feel the highest confidence, that under your auspices, that security will be afforded for every future emergency. The present happy condition of our country, in general, demands our highest gratitude to the Supreme Ruler of events, and opens to our view great and interesting prospects. In a state of profound peace, after a conflict, in which the rights of the nation have been vindicated, and the honor of the American name have been exalted, we see a great people united among themselves—devoted to a government of their choice—possessing a country as fertile as it is extensive—evincing a spirit of enterprise in various employments in agriculture, commerce, and manufactures—ardent in the pursuit of science, and in the cultivation of the arts which adorn civilized society, and advancing in population, power, and wealth, with a rapidity hitherto unexampled. The destinies of such a people, with the blessings of Providence, cannot be anticipated, and defy calculation.

It is your happiness, sir, to have commenced your administration at a period thus propitious and interesting; and we have no doubt it will be your great ambition to bestow on these important objects all the patronage in your power, and justify the high expectations which have been formed.

That the pleasing prospects we have indulged, may be happily realized, and that your administration may, in all respects, effectually promote the best interests of the United States, and that you may long live to witness the prosperity of your country, and enjoy the esteem of a virtuous people, is the ardent wish of those on whose behalf I have the honor to address you.

In behalf of the corporation of the city, I have the honor to be, with sentiments of the highest esteem, your obedient servant,

J. RADCLIFF.

To which the President made the following reply:

To the mayor, aldermen, and commonalty of the city of New-York.

FELLOW-CITIZENS—In performing a duty enjoined on me by the constitution and laws of the United States, I cannot express the satisfaction which I derive from the intercourse to which it leads, with so many of my fellow-citizens—and from the opportunity it affords to behold, in person the blessings which an all gracious Providence has extended to them.

In executing the laws which congress have wisely adopted for the national defence, the Atlantic and inland frontiers of this state, by their exposed situation, are entitled to particular attention. I am aware, too, that this populous and flourishing city presents, in time of war, a strong temptation to the cupidity of an invading foe. It is in the spirit of the laws which I am called to execute; it is in the spirit of the people whom I represent, to provide amply for the security of every part, according to the danger to which it is exposed. In performing this duty, I shall endeavor to be their faithful organ.

The present prosperous condition of our coun-

try is, as you justly observe, the best proof of the excellence of our institutions, and of the wisdom with which they have been administered.

It affords, too, a solid ground on which to indulge the most favorable anticipations as to the future. An enlightened people, educated in the principles of liberty, and blessed with a free government—bold, vigorous, and enterprising in the pursuit of every just and honorable attainment—united by the strong ties of a common origin, of interest and affection—possessed of a vast and fertile territory—improving in agriculture, in the arts and manufactures—extending their commerce to every sea—already powerful, and rapidly increasing in population, have every inducement and every means whereby to perpetuate these blessings to the latest posterity.

The honorable termination of the late war, whereby the rights of the nation were vindicated, should not lull us into repose—the events attending it show our vulnerable points, and it is in time of peace that we ought to provide, by strong works, for their defence. The gallantry and good conduct of our army, navy, and militia, and the patriotism of our citizens, generally, so conspicuously displayed in that war, may always be relied on. Aided by such works, our frontiers will be impregnable.

Devoted to the principles of our government from my earliest youth, and satisfied that the great blessings which we enjoy, are, under Divine Providence, imputable to that great cause, it will be the object of my constant and zealous efforts to give to those principles the best effect. Should I, by these efforts, contribute in any degree to the happiness of my fellow-citizens, I shall derive from it the highest gratification of which my mind is susceptible.

JAMES MONROE.

After this ceremony, the officers of the artillery and infantry, and many distinguished citizens, waited upon and were presented to him. The society of the Cincinnati, with their respectable vice-president, gen. Stevens, at their head, also waited on him, and presented an address, by judge Pendleton, one of the members.

The president, after receiving his visitants, was attended by the committee of arrangements, and escorted by a squadron of cavalry, to the quarters provided for him at the elegant establishment of Mr. Gibson, in Wall street. Previous to dinner, the president, accompanied by gens. Scott, Swift, Morton, and suites, visited the United States' arsenal.

At 5 o'clock the gentlemen on duty, the vice-president, the hon. De Witt Clinton, governor elect, the hon. Rufus King, together with several of the president's former brethren in arms, gen. Stevens, col. Willet, col. Platt, and the committee of arrangement, and of the corporation, dined with the president at his quarters.

In the evening the city hall and theatre were brilliantly illuminated, and decorated with appropriate transparencies, exhibiting, perhaps, one of the most beautiful spectacles that can be well imagined. The whole of the transactions of the day made impressions which will not soon be forgotten by our citizens. The occasion itself, the reception of the chief magistrate of our country, endeared to us by a long course of public services, as well as by his private virtues, gave an interest and excited feelings which it is the peculiar privilege of freemen to enjoy.

The following is a copy of the address of the New York state Cincinnati, delivered to the president on Tuesday, and his answer:

To James Monroe, President of the United States.

Sir—The New York Society of Cincinnati take this opportunity, when your important duties, as chief magistrate of the United States, have procured for this city the honor of a visit, to present to you the assurances of their respect, and of their cordial disposition to support with all their power the measures which the wisdom of the government shall adopt to promote the honor and welfare of our beloved country.

Your presence, sir, recalls those patriotic emotions in which the Society of Cincinnati originated; and as a distinguished individual among the officers of the revolutionary war, of which the society was composed, you are associated with the pleasing recollections, which we cherish of the result of that ardent struggle.

We beg you to accept our sincere wishes for your personal happiness, and the assurance of our high esteem and consideration.

To which the President made the following reply:

The opportunity which my visit to this city, in the discharge of important public duties, has presented of meeting the New York Society of Cincinnati, with many of whom I was well acquainted in our revolution, affords me heartfelt satisfaction. It is impossible to meet any of those patriotic citizens, whose valuable services were so intimately connected with that great event, without recollections, which it is equally just and honorable to cherish.

In your support of all proper measures for the national defence, and advancement of the public welfare, I have the utmost confidence. Those whose zeal and patriotism were so fully tried in that great struggle, will never fail to rally to the standard of their country, in any emergency.

JAMES MONROE.

DEPARTURE OF THE PRESIDENT.

June 14.—At 10 o'clock this morning the president of the United States embarked on board the steam-boat Chancellor Livingston, capt. Wiswall, for West Point. He left the steam-boat wharf amidst the cheers of an immense concourse of citizens; and was honored with a salute of 19 guns from the Revenue Cutter, from the United States' brig Saranac, and from the several forts, as he passed up the river.

At 12 o'clock yesterday the president was initiated as a member of the *Literary and Philosophical Society of New York*; and at 8, last evening, as a member of the *American Manufacturing Society*. In the former case the ceremony was performed in the Philosophical Hall; and the latter in the assembly room of the City Hotel.

On his return from West Point, his excellency, we understand, will embark on board the Connecticut, without landing in the city, and proceed to Sandy Hook. Having viewed the forts at the Narrows and the Hook, he will pass by the city on his way to New Haven and Boston.

June 18.—The President of the United States returned from West-Point last evening about sunset, and proceeded immediately to the seat of the Vice President, Staten-Island.

The President will this day visit Sandy Hook, on board of the Steam Frigate. He will embark from Staten-Island.

We understand the President will not depart for the eastward before Thursday or Friday.